

Application Serial No. 10/581,953
Reply to Office Action of August 6, 2008

PATENT
Docket: CU-4850

REMARKS

In the Office Action, dated August 6, 2008, the Examiner states that Claims 1-12 are pending and rejected. By the present Amendment, Applicant amends the claims.

Claim Rejections Under 35 U.S.C. 112, second paragraph

Claims 2, 4-7 and 10 are rejected under 35 U.S.C. 112, second paragraph, because the Office Action considers that the structure they recite is not clear. Particularly, the Office Action considers that the terms "the paper" in Claim 2 and "the impregnated paper" in Claim 5 are ambiguous and it is not clear how many layers are present. Moreover, the Office Action considers Claim 6 to be confusing because it alleges that it's not clear how "an independent blocking layer" further limits the blocking layer.

Applicant has amended the offending claims in order to clarify the structure recited therein. Specifically, Applicant has amended Claim 2 to recite the "surface layer-paper" as opposed to "the paper." Moreover, Claim 5 is currently amended to specify the "first impregnated paper layer" as opposed to "the impregnated paper layer." Finally, Claim 6 has been amended to specify that the blocking layer comprises both an independent blocking layer formed on the surface layer-paper and an impregnated blocking layer impregnated in an inside of the surface resin layer side of the surface layer-paper.

To clarify even further, Applicant asserts that different names are given to the following two blocking layers in order to differentiate them: the "impregnated blocking layer" (12 in FIG. 6) formed by impregnating the surface layer-paper (11 in FIG. 6) with the thermosetting resin ooze out blocking property resin, and the "independent blocking layer" (14 in FIG.6) formed on the surface layer-paper (11 in FIG. 6).

Accordingly, Applicant respectfully asserts that the claims have been amended to further clarify the structures being recited therein. As such, Applicant respectfully requests withdrawal of the rejection of Claims 2, 4-7 and 10 under 35 U.S.C. 112, second paragraph.

Double Patenting Rejections

Claims 1-8 and 10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-3 of US 6,514,624 (Takemoto) in view of US 6,558,799 (Takeuchi et al.) and over Claims 1-10 of

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Takeuchi et al. in view of Takemoto.

The decorative material recited in amended Claim 1 (present invention) comprises impregnated paper layers (the first and second impregnated paper layers), formed by impregnating separate papers (the surface layer-paper and the base material layer-paper) with thermosetting resins, to the surface layer and the base material layer respectively.

The thermosetting resins (the first and second thermosetting resins) with which the surface layer-paper and the base material layer-paper are impregnated are the same resin.

Both of Takemoto and Takeuchi et al. are completely silent with respect to the foregoing features.

In light of the above, the present invention has technical structural features that are absent and distinguished from the structures taught in Takemoto and Takeuchi et al.

Further, the decorative material of the present invention was produced by heat pressing the uncured second impregnated paper layer, wherein the base material layer-paper is impregnated with the second thermosetting resin and is in a pre-cured state, and the pre-adhesion surface layer comprising the surface layer-paper, the blocking layer and the surface resin layer (page 12 lines 8-25, and page 16 line 6 to page 18 line 15, specification).

Through the heat pressing, the second thermosetting resin impregnated in the base material layer-paper penetrates to the surface layer-paper of the pre-adhesion surface layer. Thereby, the first impregnated paper layer formed by impregnating the surface layer-paper with the thermosetting resin can be obtained (page 17 lines 12-24, specification).

Further, by producing with such a producing method, the decorative material can have the surface layer and the base material layer firmly adhered (page 17 line 25 to page 18 line 15, specification).

In other words, the present invention provides a decorative material wherein a surface layer and a base material layer are firmly adhered by: comprising impregnated paper layers (the first and second impregnated paper layers), formed by impregnating separate papers (the surface layer-paper and the base material layer-paper) with thermosetting resins, to the surface layer and the base material

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layer respectively; and having the same resin to the thermosetting resin (the first and second thermosetting resins) with which the surface layer-paper and the base material layer-paper are impregnated.

Moreover, as described in the section of the background art, the present invention was achieved on the basis of a decorative paper comprising an impregnated paper layer, in which a base material layer-paper is impregnated with a thermosetting resin, and an pre-adhesion surface layer comprising a surface layer-paper and a surface resin layer, wherein the impregnated paper layer and the pre-adhesion surface layer are adhered.

In contrast thereto, the decorative papers taught in Takemoto and Takeuchi et al. are formed by laminating each layers sequentially on base materials.

Accordingly, Applicant respectfully asserts that the decorative paper of the present invention is different from the respective decorative paper of Takemoto and Takeuchi et al.

Therefore, Applicant respectfully requests withdrawal of the nonstatutory obviousness-type double patenting rejection of Claims 1-8 and 10 over Claims 1-3 of US 6,514,624 (Takemoto) in view of US 6,558,799 (Takeuchi et al.) and over Claims 1-10 of Takeuchi et al. in view of Takemoto.

Claims Rejections Under 35 U.S.C. 103(a)

Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto in view of Malina et al. Claims 8-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto in view of Malina et al. and Rosenkranz et al. Applicant respectfully disagrees with and traverses these rejections.

With respect to amended Claim 1 (present invention), the first and second impregnated paper layers of the present invention are obtained by impregnating the same thermosetting resin to separated papers.

On the other hand, Takemoto teaches that an impregnated paper layer can be used as the substrate.

Malina et al. teaches the decorative material wherein any number of impregnated resin layers are used below the substrate.

Further, Rosenkranz et al. teaches a urethane acrylate resin.

However, these references are completely silent regarding the feature that the

Application Serial No. 10/581,953
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substrate and the impregnated resin layers provided below are the paper substrate and is the member wherein the same thermosetting resins are impregnated into.

Accordingly, even if the prior art were combined in a manner as suggested in the Office Action, the combination would still fall short of teaching or suggesting each and every feature of the present invention. To support a *prima facie* case of obviousness, the Office Action must establish "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57,526 (Oct. 10, 2007). In view of the foregoing features recited in the present claims and absent from the prior art, Applicant respectfully asserts that the present invention is not obvious over the cited prior art.

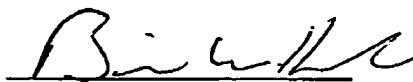
Moreover, since independent Claim 1 is allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite. As such, Applicant respectfully requests withdrawal of the present rejections under 35 U.S.C. 103(a).

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

January 5, 2009

Date



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